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Attorneys for U.S. Bank National Association

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ARIZONA**

IN RE:

Erin A. Willett aka Erin Zart,  
  
Debtor.

Chapter 13  
Case No. 4:19-bk-15365 BMW

**OBJECTION TO CONFIRMATION**

U.S. Bank National Association (“U.S. Bank” or “Creditor”), a secured creditor in this bankruptcy case, through undersigned counsel hereby objects to the confirmation of the Chapter 13 Plan filed by the Debtor for the reasons stated below.

**I. BACKGROUND**

1. U.S. Bank National Association is the holder or servicer of a note (“Note”), secured by a Deed of Trust recorded against certain real property (“Property”) generally described as 6516 East Lush Vista View, Florence, AZ 85132.

2. The outstanding principal balance due on the Note as of filing was approximately \$140,193.84.

3. Debtor resides in the Property and the Property is listed as the Debtor’s principal residence according to her Schedule A/B. Additionally, Debtor states she co-owns the Property. See Docket #1.

4. U.S. Bank National Association intends to file a proof of claim in this case.

1           5.     Debtor fails to consider U.S. Bank National Association in the Plan and this is a  
2 violation of the bankruptcy code.

3           6.     The pre-petition arrears, including payments, late charges, escrow advances and  
4 accrued fees and costs are approximately \$1824.14.

5           7.     The plan fails to provide for the arrears.

6           8.     U.S. Bank National Association objects to the Debtor's Plan and asks that the  
7 arrears and payments be considered in the Plan.

## 8                               **II.     AUTHORITY AND ARGUMENT**

9           9.     The Plan as proposed is not feasible under 11 U.S.C. § 1325(a)(5), as Creditor  
10 does not accept the Plan and the value of property to be distributed under the Plan is less than  
11 the allowed amount of Creditor's claim.

12          10.    The Plan as proposed is not feasible under 11 U.S.C. § 1325(a)(6), as Debtor has  
13 failed to demonstrate an ability to make all payments due under the Plan.

14          11.    The Plan does not comply with 11 U.S.C. § 1322(b)(2), as it impermissibly  
15 modifies the rights of a holder of a claim secured only by an interest in real property that is the  
16 Debtor's personal residence.

17          12.    The Plan does not comply with 11 U.S.C. § 1322(b)(5), as it does not provide for  
18 the cure of an existing default within a reasonable time or require the maintenance of payments  
19 while the case is pending on a secured claim on which the last payment is due after the date on  
20 which the final payment under the Plan is due.

21          WHEREFORE, U.S. Bank National Association objects to the confirmation of the  
22 Chapter 13 plan.

23          DATED this 23rd day of December, 2019.

24   /s/ Alex Schulz  
25   Alex Schulz, Esq.  
26   THE MORTGAGE LAW FIRM, PC  
27   2999 N. 44<sup>th</sup> Street, Suite 625  
28   Phoenix, AZ 85018  
   *Attorneys for Creditor*

1 **CERTIFICATE OF SERVICE**

2 **IN THE UNITED STATES BANKRUPTCY COURT**  
3 **FOR THE DISTRICT OF ARIZONA**  
4

5 BK No. 4:19-bk-15365 BMW

6 I hereby certify that on this 23rd day of December, 2019, I have served a copy of this Notice  
7 and all attachments to the following by U.S. Mail, postage pre-paid:

8 ERIN A. WILLETT  
9 AKA ERIN ZART  
6516 E. LUSH VISTA VIEW  
10 FLORENCE, AZ 85132  
*Debtor*

11  
12 And via filing with the US Bankruptcy Court's CM ECF system to the following:

13  
14 GEOFFREY M. KHOTIM  
My Arizona Lawyers, PLLC  
15 1731 W. Baseline Road, Suite 101  
Mesa, AZ 85202  
16 *Debtor's Attorney*

17  
18 DIANNE C. KERNS  
31 N. 6TH AVENUE  
19 #105-152  
TUCSON, AZ 85701  
20 *Chapter 13 Trustee*

21  
22  
23 /s/ Janette Belmontes  
24  
25  
26  
27  
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